

Circular (FAC) 90-23 amended the FAR 48 CFR 52.219-1. Miscellaneous revisions are made in regulations on small business and small disadvantaged business concerns to reflect current GSA organizational changes.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION

A. Public Comments

This rule was not published in the **Federal Register** for public comment because it merely revises the GSAR to conform to the FAR as amended by FAR 90-23, which had already undergone the public comment process.

B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review, and therefore was not required to be submitted.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply because this rule is not a significant revision as defined in FAR 1.505-1.

D. Paperwork Reduction Act

This rule does not impose any information collection or recordkeeping requirements that require the approval of OMB under 44 U.S.C. 3501 et seq. Therefore, the requirements of the Paperwork Reduction Act do not apply.

List of Subjects in 48 CFR Parts 519 and 552

Accordingly, 48 CFR Parts 519 and 552 are amended as follows:

1. The authority citation for 48 CFR Parts 519 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

2. Section 519.001 is revised to read as follows:

§ 519.001 Definitions.

Agency small business technical advisors (SBTAs) as used in this part, means the directors of the Business Service Centers (or designees) in the regions and the individuals in FSS, ITS and PBS who have been designated to serve as SBTAs in the Central Office. In addition to the duties outlined at FAR 19.201(c), the agency small business

technical advisors perform the functions of the small and disadvantaged business utilization specialist/representative described in FAR 19.506 (a) and (b) and 19.705-4(d)(5).

3. Section 519.201 is revised to read as follows:

§ 519.201 General policy.

The Associate Administrator for Enterprise Development (E) may make recommendations to the contracting officer as to whether a particular acquisition should be awarded under FAR 19.5 as a set-aside (including those involving labor surplus areas) or under FAR 19.8 as a section 8(a) award directly or through the SBTA.

4. Section 519.202-2(c) is revised to read as follows:

§ 519.202-2 Locating small business sources.

* * * * *

(c) BSC's will keep each other and the Office of Enterprise Development (E) informed on items of mutual interest regarding the small business programs.

§ 519.304 [Removed]

5. Section 519.304 is removed.

§ 552.219 [Removed]

6. Section 552.219-1 is removed.

Dated: June 22, 1995.

Ida M. Ustad,

Associate Administrator, Office of Acquisition Policy.

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DEPARTMENT OF STATE

Office of the Procurement Executive

48 CFR Parts 601, 602, 605, 606, 609, 610, 613, 616, 619, 625, 636, 637, and 653

[Public Notice 2231]

Department of State Acquisition Regulation (DOSAR); Simplified Acquisition Threshold

AGENCY: Office of the Procurement Executive, Department of State.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of State Acquisition Regulation (DOSAR) to reflect changes with respect to the change in the simplified acquisition threshold as outlined in the FAC 90-29. The rule also makes changes in Commerce Business Daily synopsis requirements for overseas contracting activities. Finally, the rule makes several technical corrections.

EFFECTIVE DATE: July 3, 1995.

FOR FURTHER INFORMATION CONTACT: Gladys Gines, Senior Procurement Analyst, Department of State, Office of the Procurement Executive, 2201 C Street NW, Suite 603, State Annex Number 6, Washington, DC 20522-0602, telephone (703) 516-1691. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

On July 3, 1995, FAC 90-29 became effective. The changes contained therein dealt with implementation of the Federal Acquisition Computer Network (FACNET) and simplified acquisition requirements of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103-55. The changes published today focus only on the simplified acquisition threshold revisions of FAC 90-29. They are editorial in nature.

In addition, DOSAR 605.202-70 is being revised to reflect a recently authorized deviation from FAR requirements for certain Commerce Business Daily (CBD) synopses for the Department's foreign acquisitions awarded by overseas contracting activities, other than local guard service contracts.

The Department has determined that this document need not be published as a proposed rule. The rule generally makes only editorial and technical revisions to the current DOSAR. The deviation from CBD notice requirements for overseas contracting activities was approved by the Office of Federal Procurement Policy and the Small Business Administration, as required by FAR 5.202(b).

II. Impact

The Department of State certifies that this regulation will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

III. Paperwork Reduction Act

There are no additional information collection requirements associated with this rule. All information collection requirements associated with acquisition were approved under the Paperwork Reduction Act of 1980 by OMB and were assigned control number 1405-0050.

List of Subjects in 48 CFR Parts 601, 602, 605, 606, 609, 610, 613, 616, 619, 625, 636, 637, and 653

Government procurement, Department of State Acquisition Regulation (DOSAR).

Accordingly, title 48, chapter 6 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 48 CFR Parts 601, 602, 605, 606, 609, 610, 613, 616, 619, 625, 636, 637, and 653 continues to read as follows:

Authority: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SUBCHAPTER A—GENERAL

PART 601—DEPARTMENT OF STATE ACQUISITION REGULATION

Subpart 601.6—Career Management, Contracting Authority, and Responsibilities

2. The title of Subpart 601.6 is revised to read as set forth above.

601.603–70 [Amended]

3. Section 601.603–70 is amended in paragraph (b)(5) by removing the phrase “Bureau of Refugee Programs” and inserting “Bureau of Population, Refugees, and Migration” in its place.

4. Section 601.603–70 is amended in paragraph (b)(6) by removing the phrase “Bureau of International Narcotics Matters” and inserting “Bureau of International Narcotics and Law Enforcement Affairs” in its place.

PART 602—DEFINITIONS OF WORDS AND TERMS

Subpart 602.1—Definitions

602.101–70 [Amended]

5. In section 602.101–70, the definition of “Despatch Agency” is amended in the last sentence by removing the words “San Francisco, California;”.

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 605—PUBLICIZING CONTRACT ACTIONS

Subpart 605.2—Synopsis of Proposed Contract Actions

6. Section 605.202–70 is revised to read as follows:

605.202 Exceptions.

605.202–70 Foreign acquisitions.

(a) *Policy.* In accordance with a Determination and Findings issued by the Assistant Secretary of State for Administration, the requirement for advance CBD notices for the Department’s foreign acquisitions awarded by overseas contracting activities is waived. CBD notices may be published for any acquisition where the contracting officer decides that

publication would be in the Department’s best interests. This waiver shall remain in effect until June 15, 1998.

(b) *Procedures.* Contracting officers at overseas contracting activities are not required to prepare an individual determination and findings to document their decision to waive the CBD notice requirements.

(c) *Competition requirements.* Nothing in this section waives the requirement to obtain competition as required by FAR part 6 and DOSAR (48 CFR) part 606. Competition, including the use of written solicitation, shall be obtained in all cases to the extent feasible. If there are known U.S. firms or firms with U.S. affiliations in local residence capable of supplying the required supplies or services, the contracting activity shall ensure that those firms are included in the source list for the acquisition.

(d) *Policy exclusion.* CBD waiver authority does not apply to local guard service contracts that exceed \$250,000. Local guard service contracts that exceed \$250,000 shall be synopsized in the CBD. Option year prices shall be included when computing the applicability of this threshold.

PART 606—COMPETITION REQUIREMENTS

Subpart 606.5—Competition Advocates

7. Section 606.570 is revised to read as follows:

606.570 Solicitation provisions.

The contracting officer shall insert the provision at 652.206–70, Competition Advocacy/Ombudsman, in all solicitations over the threshold for using simplified acquisition procedures.

PART 609—CONTRACTOR QUALIFICATIONS

Subpart 609.4—Debarment, Suspension, and Ineligibility

8. Section 609.405 is amended in paragraph (d)(4)(i) by revising the first sentence to read as follows:

609.405 Effect of listing.

* * * * *

(d) * * *

(4)(i) For procurement actions (both domestic and overseas) that do not exceed the threshold for using simplified acquisition procedures, contracting officers need not consult the “List of Parties Excluded from Procurement Programs” prior to award.
* * *

PART 610—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

610.002–70 [Amended]

9. Section 610.002–70 is amended in paragraph (d)(5)(i) by removing the amount of “\$25,000” and inserting “\$50,000” in its place.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 613—SIMPLIFIED ACQUISITION PROCEDURES

613 Heading [Amended]

10. The title of Part 613 is revised to read as set forth above.

Subpart 613.1—General

613.103–70 [Amended]

11. Section 613.103–70 is amended by removing the words “small purchases” and inserting “purchase orders” in their place.

Subpart 613.4—Imprest Fund

613.404 [Amended]

12. Section 613.404 is redesignated as 613.403. Newly designated 613.403 is amended by removing “FAR 13.404(a)” and inserting “FAR 13.403(a)” in its place.

Subpart 613.5—Purchase Orders

13. Section 613.505–1 is revised to read as follows:

613.505 Purchase order and related forms.

613.505–1 Optional Form (OF) 347, Order for Supplies or Services, and Optional Form 348, Order for Supplies or Services Schedule—Continuation.

(a) The OF–347 and OF–348 shall be mandatory for use by domestic contracting activities for issuing purchase orders and delivery orders, unless ordering against another Federal agency contract which stipulates a different form (e.g., DD–1155, Order for Supplies or Services); or, unless the Procurement Executive has approved another form. The OF–347 may also be used as a voucher.

(b) In lieu of the OF–347 and OF–348, DOS overseas contracting activities may use the Optional Form (OF) 206, Purchase Order, Receiving Report and Voucher, and Optional Form 206A, Continuation Sheet (illustrated at 653.303–206 and 653.303–206A, respectively). When using the OF–206, contracting activities may use Optional Form (OF) 127, Receiving and Inspection Report (illustrated at 653.303–127), for that purpose.

613.505-2 [Removed]

14. Section 613.505-2 is removed.

15. Section 613.507, consisting of section 613.507-70, is revised to read as follows:

613.507 Provisions and clauses.**613.507-70 DOSAR clauses.**

In addition to the FAR provisions and clauses required for or applicable to the particular acquisition, each DOS purchase order shall incorporate all DOSAR clauses required for or applicable to the acquisition. All such clauses shall be listed on a separate document and attached to each copy of the purchase order. The document shall be identified by the purchase order number and the name and address of the contracting activity. The DOSAR clauses may be incorporated without setting out full text.

Subpart 613.6-70—Governmentwide Commercial Purchase Card Program

16. Section 613.601-70 is amended by revising paragraph (b) to read as follows:

613.601-70 Policy.

(a) * * *

(b) *Policy.* It is the Department's policy that:

(1) The purchase card shall be used in preference to other methods of procurement (particularly BPAs) for individual purchases up to \$2,500;

(2) The purchase card shall be issued primarily to personnel outside of the procurement office to purchase products and services up to \$2,500 quickly with a minimum of paperwork and without having to send an individual requisition to a procurement office; and,

(3) The purchase card may be used in procurement offices for purchases up to \$25,000.

* * * * *

PART 616—TYPES OF CONTRACTS

17. Section 616.000 is added to read as follows:

616.000 Scope of part.

The contracting officer may use any of the contract types described in FAR part 16 for acquisitions made under simplified acquisition procedures. The contracting officer shall document his/her decision to use a contract type in accordance with the requirements of FAR part 16.

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS**PART 619—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS****Subpart 619.1—General****619.20 [Amended]**

18. Section 619.201 is amended in paragraph (d)(5) by removing the word "limitation" and inserting the word "threshold" in its place in the second sentence.

Subpart 619.5—Set Asides for Small Business**619.501 [Amended]**

19. Section 619.501 is amended in paragraph (c) by removing the words "Small Purchase Limitation" and inserting "Simplified Acquisition Threshold" in their place.

PART 625—FOREIGN ACQUISITION**Subpart 625.7—Restrictions on Certain Foreign Purchases**

20. and 21. Section 625.703 is revised to read as follows:

625.703 Exceptions.

The authority to approve exceptions for other contracts in excess of the simplified acquisition threshold is delegated, without power of redelegation, to the head of the contracting activity.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING**PART 636—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS****Subpart 636.6—Architect-Engineer Services****636.602-5 [Amended]**

22. Section 636.602-5 is amended by removing the word "limitation" and inserting the word "threshold" in its place in the heading and the text of the section.

PART 637—SERVICE CONTRACTING**Subpart 637.1—Service Contracts—General****637.104-70 [Amended]**

23. Section 637.104-70 is amended in paragraph (b) by removing the words "Bureau for Refugee Programs" and inserting "Bureau of Population, Refugees, and Migration" in their place.

24. Section 637.104-70 is amended in paragraph (c) by removing the words "Bureau for International Narcotics Matters" and inserting "Bureau for

International Narcotics and Law Enforcement Affairs" in their place.

SUBCHAPTER H—CLAUSES AND FORMS**PART 653—FORMS****Subpart 653.2—Prescription of Forms**

25. Section 653.213 is amended by revising the heading to read as follows:

653.213 Simplified acquisition procedures (SF's 18, 30, 44, 1165, OF's 347, 348).

26. Section 653.213-70 is amended by revising the heading to read as follows, and by adding the following sentence to the end of paragraph (b):

653.213-70 DOS Forms (OF-206, OF-206A, OF-127, DST-1918, DST-1919, DST-1920).

(a) * * *

(b) * * * The OF-127 may be used as a receiving report in conjunction with other contract forms (e.g., SF-26, SF-33) by both domestic and overseas contracting activities.

* * * * *

27. Section 653.219-70 is amended by revising the heading to read as follows:

653.219-70 DOS form DS-1910, Small Business/Labor Surplus Area Review—Actions Above the Simplified Acquisition Threshold.

Dated: July 17, 1995.

Lloyd W. Pratsch,

Procurement Executive.

[FR Doc. 95-18900 Filed 8-2-95; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 301**

[Docket No. 950106003-5070-02; I.D. 072895A]

Pacific Halibut Fisheries; Area 2A Non-Treaty Commercial Fishery Reopening; Oregon Sport Fishery Reopening

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason actions.

SUMMARY: The Assistant Administrator for Fisheries, NOAA, on behalf of the International Pacific Halibut Commission (IPHC), publishes inseason actions pursuant to IPHC regulations approved by the U.S. Government to govern the Pacific halibut fishery. These actions are intended to enhance the conservation of the Pacific halibut stock